



JOHN A. OLSZEWSKI, JR.
County Executive

JAMES R. BENJAMIN, JR.
County Attorney, Office of Law

July 8, 2020

VIA Electronic Mail

Ms. Emma Best

94649-88806737@requests.muckrock.com

Re: MPIA Request #NR20-342 – request for emails, memos...to or from police/law enforcements unions etc. between May 1, 2020 to present

Dear Ms. Best:

On June 8, 2020, you submitted an electronic request for public records to the Baltimore County Police Department (“BCoPD”) for: “for emails, memos...to or from police/law enforcements unions, the National Guard, or federal officials between May 1, 2020 to present . . . containing any of the following: ‘protest’, ‘protests’, ‘Black Lives Matter’, ‘BLM’, ‘riot’, ‘riots’, ‘antifa’, ‘antifascist’, ‘anti-fascist’, or ‘militia’.” Please note, the custodian has interpreted your request as written, conjunctively. If you intended to subject two separate requests, please feel free to resubmit any portion of your request with additional information and clarification. Your request was referred to the Baltimore County Office of Law for review and response. The Maryland Public Information Act (“PIA”), Annotated Code of Maryland, General Provisions Article (“GP”), §§ 4-101, *et seq.* governs your request.

BCoPD conducted a search for records responsive to your request. The records BCoPD as responsive to your request constitute criminal intelligence and security procedure records that are confidential and may only be disseminated amongst law enforcement officials on a need to know basis, pursuant to 28 C.F.R. 23.20. *See* GP § 4-301(a) (“ . . . a custodian shall deny inspection of a public record or any part of a public record if: (1) by law, the public record is privileged or confidential; or (2) the inspection would be contrary to: . . . (ii) a federal statute or a regulation that is issued under the statute and has the force of law”); 42 U.S.C. 3782(a); 42 U.S.C. 3789g(c); 28 C.F.R. 23.20(e) (criminal intelligence information shall be disseminated only where there is a need to know and a right to know such information for the performance of a law enforcement activity); *see also* GP § 4-351(a)(3) (“(a) a custodian may deny inspection of: . . . (3) records that contain intelligence information or security procedures of the Attorney General, a State's Attorney, a municipal or county attorney, a police department, a State or local correctional facility, or a sheriff.”). Additionally, it is BCoPD’s position that release of this information would be contrary to the public interest as it would adversely affect or jeopardize investigative activities and endanger the life or physical safety of BCoPD members. *See* GP § 4-343.

Further, the responsive records are unable to be produced in a redacted fashion, as the entirety of the records and information are criminal intelligence information and thus, there is no severable information to extract.

Accordingly, BCoPD must deny your request in its entirety.

Ms. Emma Best
July 8, 2020

Nothing in this response is intended to indicate that any records sought from BCoPD exist or to waive any privileges held by BCoPD. You have the right under GP § 4-1B-04 to contact the Public Access Ombudsman to mediate any dispute(s) you may have with this response. You may also, contest this response by filing a complaint for Judicial Review in Circuit Court pursuant to GP § 4-362. Please refer to PIA tracking #**20-342** in any subsequent correspondence pertaining to this matter.

Sincerely,

Alexa E. Ackerman

Alexa E. Ackerman
Assistant County Attorney
Baltimore County Office of Law

AEA/jad